

AMENDED IN SENATE APRIL 26, 2010

AMENDED IN SENATE APRIL 8, 2010

AMENDED IN SENATE MARCH 24, 2010

**SENATE BILL**

**No. 1107**

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**Introduced by Senator Kehoe**

February 17, 2010

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An act to amend Sections 19216 and 19315 of the Food and Agriculture Code, to amend Section 16050 of the Public Resources Code, and to add Chapter 7.8 (commencing with Section 13590) to Division 7 of the Water Code, relating to grease.

LEGISLATIVE COUNSEL'S DIGEST

SB 1107, as amended, Kehoe. Water quality: interceptor and trap grease.

Existing law regulates the transportation of inedible kitchen grease and requires the transporters of inedible kitchen grease to be registered and to pay specified fees. The State Water Resources Control Board is among the principal state agencies with authority relating to water quality.

This bill would enact the Interceptor and Trap Grease Transportation Act of 2010. The bill, on and after January 1, 2012, would prohibit any person or entity from engaging in the transportation of interceptor and trap grease, unless that person or entity is registered with, and possesses a valid registration certificate issued by, the state board. The bill would require the state board to impose a registration fee sufficient to cover the costs of implementing the act. The bill would require the state board to deposit all revenues from the registration fee in the Interceptor and Trap Grease Fund, which the bill would establish. The bill would

authorize the board to expend moneys in the fund to implement the act, subject to appropriation for that purpose. The bill would define “interceptor and trap grease” to mean grease that is principally derived from food preparation, processing, or waste, and that is removed from a grease trap or grease interceptor.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 19216 of the Food and Agricultural Code  
2 is amended to read:

3 19216. “Inedible kitchen grease” means any fat or used cooking  
4 greases and oils obtained from any source. “Inedible kitchen  
5 grease” does not include interceptor and trap grease as defined in  
6 Section 13950.5 of the Water Code.

7 SEC. 2. Section 19315 of the Food and Agricultural Code is  
8 amended to read:

9 19315. (a) Except as provided in subdivision (b), in addition  
10 to the registration fee required by Section 19312, the department  
11 may charge a fee necessary to cover the costs of administering this  
12 article. Any additional fee charged pursuant to this section shall  
13 not exceed three hundred dollars (\$300) per year per vehicle that  
14 is operated to transport inedible kitchen grease, and shall not  
15 exceed three thousand dollars (\$3,000) per year per registered  
16 transporter.

17 (b) An individual registered pursuant to this article who  
18 transports inedible kitchen grease for his or her own personal,  
19 noncommercial use as an alternative fuel is exempt from 75 percent  
20 of the fee charged pursuant to subdivision (a), and shall meet all  
21 of the following requirements:

22 (1) The individual shall meet all other requirements of this  
23 article.

24 (2) The individual shall not transport more than 55 gallons of  
25 inedible kitchen grease per load for that purpose, and shall have  
26 no more than 165 gallons of inedible kitchen grease in his or her  
27 possession or control at any time.

28 (3) The individual shall not take any inedible kitchen grease  
29 from a container owned by another registered transporter of  
30 inedible kitchen grease or from an inedible kitchen grease provider

1 under contract with a registered transporter of inedible kitchen  
2 grease or from a container owned by a renderer or collection center.

3 (4) The individual shall have a document in his or her possession  
4 while transporting inedible kitchen grease signed by the responsible  
5 party providing the inedible kitchen grease to the individual at the  
6 source of the inedible kitchen grease that provides permission for  
7 the inedible kitchen grease to be removed from that site.

8 (5) The individual shall specify where the inedible kitchen  
9 grease is stored and processed as an alternative fuel, if that address  
10 is different from the address included on the registration form for  
11 that individual pursuant to Section 19312.

12 (6) The individual shall not sell, barter, or trade any inedible  
13 kitchen grease.

14 (c) The secretary shall fix the annual fee established pursuant  
15 to this section. The secretary shall also fix the date the fee is due  
16 and the method of collecting the fee. If an additional fee is imposed  
17 on licensed renderers pursuant to subdivision (a) of Section 19227  
18 and an additional fee is imposed on registered transporters pursuant  
19 to subdivision (a), only one additional fee may be imposed on a  
20 person or firm that is both licensed as a renderer pursuant to Article  
21 6 (commencing with Section 19300) and registered as a transporter  
22 of inedible kitchen grease pursuant to this article, which fee shall  
23 be the higher of the two fees.

24 (d) If the fee established pursuant to this section is not paid  
25 within one calendar month of the date it is due, a penalty shall be  
26 imposed in the amount of 10 percent per annum on the amount of  
27 the unpaid fee.

28 (e) This section shall become inoperative on July 1, 2015, and,  
29 as of January 1, 2016, is repealed, unless a later enacted statute,  
30 which becomes effective on or before January 1, 2016, deletes or  
31 extends the dates on which it becomes inoperative and is repealed.

32 SEC. 3. Section 16050 of the Public Resources Code is  
33 amended to read:

34 16050. For purposes of this division, “grease waste hauler”  
35 means a transporter of inedible kitchen grease subject to the  
36 registration requirements in Section 19310 of the Food and  
37 Agricultural Code or a transporter of interceptor and trap grease  
38 subject to Chapter 7.8 (commencing with Section 13590) of  
39 Division 7 of the Water Code.

1 SEC. 4. Chapter 7.8 (commencing with Section 13590) is added  
2 to Division 7 of the Water Code, to read:

3  
4 CHAPTER 7.8. INTERCEPTOR AND TRAP GREASE  
5 TRANSPORTATION ACT OF 2010  
6

7 13590. (a) This chapter shall be known, and may be cited, as  
8 the Interceptor and Trap Grease Transportation Act of 2010.

9 (b) This chapter applies only to interceptor and trap grease.

10 13590.1. The Legislature finds and declares all of the following:

11 (a) The improper management of grease from interceptors and  
12 traps causes environmental, property, and public health damage.  
13 There is a need to facilitate the development of grease control  
14 measures, to develop statewide standards for the transportation of  
15 interceptor and trap grease, and to integrate this program with  
16 existing state and local efforts to keep grease out of sewer systems,  
17 storm drains, and waters of the state.

18 (b) The state board has determined that sanitary sewer overflows  
19 or sewage spills often contain high levels of suspended solids,  
20 pathogenic organisms, toxic pollutants, nutrients, oxygen  
21 demanding organic compounds, oil, grease, food waste, and other  
22 pollutants. Sanitary sewer overflows may cause a nuisance, or  
23 temporarily exceed applicable water quality standards, when the  
24 sewage is discharged to surface waters, including ocean waters of  
25 the state, pose a threat to public health, adversely affect aquatic  
26 life, and impair the public recreational use and aesthetic enjoyment  
27 of surface waters.

28 (c) The state board has adopted waste discharge requirements  
29 for cities in a uniform effort to reduce sanitary sewer overflows.  
30 These requirements mandate that cities adopt a program to reduce  
31 fats, oils, and grease from entering the sewer system.

32 (d) The inappropriate transportation of interceptor and trap  
33 grease has been detrimental to human health and the environment,  
34 including posing a threat to the waters of the state. It is imperative  
35 to ensure that transported interceptor and trap grease be delivered  
36 to an appropriate facility for recycling, treatment, or disposal, in  
37 order to avoid improper disposal to land, surface waters, and  
38 sewers.

39 13590.2. As used in this chapter:

1 (a) “Interceptor and trap grease” means grease that is principally  
2 derived from food preparation, processing, or waste, and that is  
3 removed from a grease trap or grease interceptor. Interceptor and  
4 trap grease does not include inedible kitchen grease as defined in  
5 Section 19216 of the Food and Agricultural Code.

6 (b) “Interceptor and trap grease hauler” means a transporter of  
7 interceptor and trap grease subject to this chapter.

8 13590.3. In carrying out this chapter, the state board may solicit  
9 and use any and all expertise available in other state agencies,  
10 including, but not limited to, the State Board of Equalization, and,  
11 where an existing state agency performs functions of a similar  
12 nature to the state board’s functions, the state board may contract  
13 with, or cooperate with, that agency in carrying out this chapter.  
14 If the state board contracts with the State Board of Equalization  
15 to collect the fee imposed pursuant to Section 13590.5, the State  
16 Board of Equalization may collect that fee pursuant to the Fee  
17 Collection Procedures Law (Part 30 (commencing with Section  
18 55001) of Division 2 of the Revenue and Taxation Code).

19 13590.4. (a) On or after January 1, 2012, a person or entity  
20 shall not engage in the transportation of interceptor and trap grease  
21 unless that person or entity is registered with, and possesses a valid  
22 registration certificate issued by, the state board in accordance  
23 with this chapter.

24 (b) Each registration shall expire on December 31 of each year.

25 (c) (1) The state board shall require, as a condition of  
26 registration, that the applicant demonstrate the ability to respond  
27 to damages resulting from the transportation of interceptor and  
28 trap grease by providing proof of a policy of insurance or surety  
29 bond for that purpose in an amount not less than two million dollars  
30 (\$2,000,000), except that the required amount shall be one million  
31 dollars (\$1,000,000) if the applicant operates only one vehicle and  
32 the vehicle has a gross vehicle weight rating of not more than  
33 10,000 pounds.

34 (2) The damages to be covered include public liability, which  
35 shall include, but not be limited to, liability for personal injury and  
36 property damage.

37 (3) This subdivision shall not preempt a local ordinance or rule  
38 that is more stringent than this subdivision.

39 13590.5. (a) Registration shall be made in a manner prescribed  
40 by the state board and shall include all of the following:

1 (1) The applicant's name and address.

2 (2) A description of the operations to be performed by the  
3 applicant.

4 (3) The vehicles to be used in the transportation.

5 (4) A list of the names of the drivers employed by the transporter  
6 who transport interceptor and trap grease subject to this chapter  
7 and their driver's license numbers.

8 (5) Any other information required by the state board.

9 (b) The state board shall impose a registration fee sufficient to  
10 cover the costs of implementing and enforcing this chapter.

11 (c) The state board may refuse to issue an original or renewal  
12 registration certificate to any applicant if any ground specified in  
13 subdivision (a) of Section 13590.8 is applicable.

14 (d) (1) The applicant may appeal the decision of the state board  
15 to refuse to register the applicant.

16 (2) The state board shall establish procedures for the appeals  
17 process, to include notice and a hearing.

18 (3) The state board may reverse a decision to refuse to register  
19 the applicant, upon a finding of good cause.

20 13590.6. A vehicle used in the transportation of interceptor  
21 and trap grease shall conspicuously display the name of the owner  
22 of the vehicle in letters not less than two inches high.

23 13590.7. A registered interceptor and trap grease hauler shall  
24 transport interceptor and trap grease only to a facility that is  
25 permitted or otherwise authorized, pursuant to statute or regulation,  
26 to accept interceptor and trap grease. *Facilities authorized to accept*  
27 *interceptor and trap grease shall include publicly owned treatment*  
28 *works.*

29 13590.8. (a) The state board may deny, suspend, or revoke a  
30 registration certificate, at any time, on any of the following  
31 grounds:

32 (1) The registrant has deposited interceptor and trap grease at  
33 a facility or location not approved by the state board.

34 (2) The registrant has reintroduced grease into a sanitary sewer  
35 or storm drain without authority from the local control authority.

36 (3) The registrant has been found to have commingled  
37 interceptor or trap grease with other forms of liquid waste not  
38 approved by this chapter.

39 (4) The registrant has failed to adequately maintain and submit  
40 tracking reports as required by Section 13590.9.

1 (5) The registrant has been found to have failed to fully pump  
2 all grease, greasy liquid, water, and solids from the grease trap or  
3 grease interceptor.

4 (6) The registrant has taken possession of interceptor and trap  
5 grease from an unregistered hauler.

6 (7) The registrant has violated this chapter or any regulations  
7 adopted to implement this chapter.

8 (8) The registrant has been found to have engaged in, or aided  
9 and abetted another person or entity in the commission of, any  
10 violation of a statute, regulation, or order relating to the  
11 transportation or disposal of interceptor and trap grease, including  
12 a violation of the federal Water Pollution Control Act (33 U.S.C.  
13 Sec. 1251 et seq.), Section 5650 of the Fish and Game Code, this  
14 division, commercial vehicle weight limits, or commercial vehicle  
15 hours of service.

16 (b) For purposes of this section, “registrant” includes any  
17 business entity, trustee, officer, director, partner, person, or other  
18 entity holding more than 5 percent equity, ownership, or debt  
19 liability in the registered entity engaged in the transportation of  
20 interceptor and trap grease.

21 (c) The registrant may appeal the suspension or revocation  
22 decision of the state board.

23 (d) The state board shall establish procedures for the appeals  
24 process to include a noticed hearing.

25 (e) The state board may reverse a suspension or revocation upon  
26 a finding of good cause to do so.

27 13590.9. (a) Any person transporting interceptor and trap  
28 grease shall compile an interceptor and trap grease tracking  
29 document, as prescribed by the state board. The transporter shall  
30 submit to the state board, on a quarterly basis, a legible copy of  
31 each tracking document. The state board shall post the tracking  
32 documents on its Internet Web site for access by the public.

33 (b) The tracking document shall include, at a minimum, all of  
34 the following information:

35 (1) The name and address of each location from which the  
36 transporter obtained the interceptor and trap grease.

37 (2) The quantity of interceptor and trap grease received from  
38 each location.

39 (3) The date on which the interceptor and trap grease was  
40 obtained from each location.

1 (4) The location of the final disposition of the interceptor and  
2 trap grease.

3 (5) The amount deposited and the end use of the interceptor and  
4 trap grease, if known.

5 (c) An interceptor and trap grease hauler shall have the  
6 interceptor and trap grease tracking document in their possession  
7 while transporting interceptor and trap grease. The tracking  
8 document shall be shown upon demand to any representative of  
9 the state board, any officer of the California Highway Patrol, any  
10 peace officer, as defined in Section 830.1 or 830.2 of the Penal  
11 Code, or any local public officer designated by the state board.

12 13590.10. Every transporter of interceptor and trap grease shall  
13 record and maintain for three years documentation of compliance  
14 with this chapter.

15 13590.11. A registered transporter of interceptor and trap grease  
16 shall, whenever any contract for the transportation of interceptor  
17 and trap grease under which that transporter provides transportation  
18 services is terminated or expires, notify local officials overseeing  
19 any applicable program for the control of fats, oils, and grease to  
20 prevent, reduce, and mitigate sanitary sewer blockages and  
21 overflows in wastewater collection systems, for the county in which  
22 the interceptor and trap grease was collected, of the termination  
23 or expiration of the contract and that the registered transporter is  
24 no longer transporting interceptor and trap grease pursuant to that  
25 contract.

26 13590.12. The state board shall deposit all revenues from the  
27 registration fee collected under Section 13590.5 in the Interceptor  
28 and Trap Grease Fund, which is hereby established in the State  
29 Treasury. The state board may expend funds in the Interceptor and  
30 Trap Grease Fund to implement this chapter, including monitoring,  
31 education, and enforcement, upon appropriation by the Legislature  
32 for those purposes.

33 13590.13. The state board shall prepare, adopt, and implement  
34 any regulations it determines to be necessary to implement this  
35 program.